

Assembly Bill No. 1191

CHAPTER 142

An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 5, 2009. Filed with
Secretary of State August 6, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1191, Conway. Alcoholic beverages: proof of age: passports.

The Alcoholic Beverage Control Act makes it a misdemeanor for any person under the age of 21 years to purchase any alcoholic beverage or consume any alcoholic beverage in any on-sale premises. The act also subjects a holder of a license to sell alcoholic beverages to criminal prosecution and suspension or revocation of that license if the licensee sells any alcoholic beverages to any person under 21 years of age. Existing law provides that a licensee's acceptance of bona fide evidence, as defined, constitutes a defense to any action against the licensee.

This bill would authorize the acceptance of a valid passport, issued by the United States government or a foreign government, as bona fide evidence that a person is 21 years of age or older. This bill makes findings and declarations with regard to the importance of tourism to California.

This bill would incorporate changes made by AB 59 that would become operative if both bills are enacted and this bill is enacted after AB 59.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

- (a) Total direct travel spending in California was \$96.7 billion in 2007. Spending on travel increased by 3.6 percent over the preceding year.
- (b) During 2007, travel spending in California directly supported 924,100 jobs with total earnings of \$30 billion.
- (c) The travel industry generated the greatest number of jobs in arts, entertainment, and recreation, 226,500 jobs, and accommodation and food services, 534,000.
- (d) Travel spending in 2007 generated \$2.2 billion in local taxes and \$3.6 billion in state taxes.
- (e) Expenditures on food and beverages constituted 24 percent of the total spending made by visitors to California.
- (f) Tourism within California is not only concentrated in urban areas; tourism in rural areas within the state accounts for 357,400 jobs, 39 percent

of total tourism industry employment, \$27 billion in travel spending, 31 percent of total tax receipts, and \$1.6 billion in state and local taxes.

(g) The travel industry employs 894,000 Californians, the fourth largest employer in the state.

(h) On average, each county in California earns \$1.3 billion from travel expenditures annually.

(i) In 2007, over 17 percent of all travel spending in the state was attributable to international travelers. Overseas arrivals in Los Angeles and San Francisco increased by 7.5 percent, or 3,600,000 arrivals, from 2006 to 2007.

(j) Of California's approximately 14,000,000 international visitors, about 5,200,000 were from outside North America, equaling 21.7 percent of all international visitors in 2007, an increase of 12.4 percent from 2006.

(k) These visitors reported spending \$111 per person per day, staying an average of 10.5 nights in California. Thus, each visitor to California spent an average of \$1,166 within our state.

SEC. 2. Section 25660 of the Business and Professions Code is amended to read:

25660. (a) Bona fide evidence of majority and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, an identification card issued to a member of the Armed Forces that contains the name, date of birth, description, and picture of the person, or a valid passport issued by the United States or by a foreign government.

(b) In the event an identification card issued to a member of the Armed Forces is provided as proof of majority and lacks a physical description, proof of majority may be further substantiated if a motor vehicle operator's license or other valid bona fide identification issued by any government jurisdiction is also provided.

(c) Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

SEC. 2.5. Section 25660 of the Business and Professions Code is amended to read:

25660. (a) Bona fide evidence of majority and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, an identification card issued to a member of the Armed Forces that contains the name, date of birth, description, and picture of the person, or a valid passport issued by the United States or by a foreign government.

(b) In the event an identification card issued to a member of the Armed Forces is provided as proof of majority and lacks a physical description,

but does include date of birth and a photo, further proof of majority shall not be required.

(c) Proof that the defendant-licensee, or his or her employee or agent, demanded, was shown, and acted in reliance upon bona fide evidence in any transaction, employment, use, or permission forbidden by Section 25658, 25663, or 25665 shall be a defense to any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 25660 of the Business and Professions Code proposed by both this bill and AB 59. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2010, (2) each bill amends Section 25660 of the Business and Professions Code, and (3) this bill is enacted after AB 59, in which case Section 2 of this bill shall not become operative.